

Wisconsin Air Toxics Rule

On July 1, 2004 revisions to Wisconsin's Air Toxics Rule, also known as Wisconsin's Hazardous Air Pollutant (NR 445) Rule, became effective.

The Department of Natural Resources (DNR) revised NR 445 to accomplish two objectives:

- ✓ Update the list of regulated substances and emission standards to reflect advances in scientific and medical knowledge.
- ✓ Simplify the regulatory process by reducing administrative work related to the rule and making the rule more flexible.

The following summarizes key changes made to NR 445:

Updated list of regulated substances

Since the 1980's, toxicologists have

found more chemicals that are harmful to human health. The revisions reflect these findings by:

- ✓ Adding 103 substances
- ✓ Removing 5 substances
- ✓ Setting more stringent emission standards for 130 currently regulated substances
- ✓ Setting less stringent emission standards for 86 currently regulated substances.

The revised NR 445 now lists a total of 535 substances.

Consolidating the tables

The pollutants are listed in one of three tables, each of which includes important regulatory information needed about each substance. This includes an alphabetical listing of the pollutants, with their Chemical Abstracts Service (CAS) numbers, their emission thresholds and standards, and compliance schedules. (cont'd on Page 3)

New From the Small Business Clean Air Assistance Program...

✓ USEPA's Consolidated Screening Checklist for Automotive Repair Facilities Guidebook - limited copies

✓ Air Permit Compliance Calendar

✓ Documenting Your Environmental Management Plan

To order:
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SBCAAP Has a New Web Address

The Small Business Clean Air Assistance Program's website has changed its web address. The new address is

<http://commerce.wi.gov/sbcaap>.

Although the new web address is a bit longer and maybe harder to remember, it will take you to a

redesigned website. We hope the new site provides for better viewing. What will you find at the SBCAAP website?

- ✓ Over 75 publications (factsheets, rule summaries, etc)
- ✓ Events - links to environmental workshops, seminars
- ✓ And much more.

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Regulatory Overview Course

The Federation of Environmental Technologists (FET) and the Wisconsin Certified Hazardous Materials Manager (CHMM) Chapter are teaming up again this year to co-sponsor the Federal Environmental Regulatory Overview Course. The course consists of weekly sessions from November through February, except for weeks that include a holiday.

The course prepares individuals for the CHMM exam on March 7, 2005. Any environmental staff that would like a comprehensive review of the federal environmental regulations is also encouraged to take this course.

Who should attend?

Environmental Managers, Health & Safety Managers, Environmental Consultants, Government Regulatory Inspectors, Candidates for the CHMM Examination, Environmental Attorneys

Why Attend?

This course provides: a comprehensive environmental overview; professional continuing educational credits; and a preparation for the CHMM Examination.

The course is being offered at the Brookfield Publicly Owned Treatment Works (21225 Enterprise Avenue). Each session will take place from 6:00 pm - 9:00 pm. Session topics and dates are shown in the table to the right. Register **by October 29, 2004** for the full course. You may register for individual sessions as well.

Registration materials are available from FET at <http://www.fetinc.org>. After October 29th you can register by sending an email to register@fet-inc.org.

Session 1 - November 4

- Physical and Chemical Properties of Hazardous Materials

Session 2 - November 11

- Resource Conservation and Recovery Act (RCRA)

Session 3 - November 18

- Hazardous Materials Transportation Act
- Superfund Amendments and Reauthorization Act (SARA) Title III and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Session 4 - December 2

- Toxicology and Radiation
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Toxic Substance Control Act (TSCA)

Session 5 - December 9

- Clean Air Act
- Process Safety Management
- Risk Management

Session 6 - December 16

- OSHA Hazard Communication
- Hazwoper & Personal Protective Equipment (PPE)
- Workplace Sampling & Bloodborne Pathogens

Session 7 - January 6

- Clean Water Act
- Multi-Media Sampling
- Analytical Data Validation and Quality Assurance

Session 8 - January 13

- Spill Prevention, Control and Countermeasures Plan (SPCC)
- Oil Pollution Prevention Act
- Underground Storage Tanks (USTs) & Above Ground Storage Tanks (ASTs)
- Remediation

Session 9 - January 20

- Program Management
- ISO 14000 & Environmental Audits
- Real Estate Transactions
- Environmental Liability Overview
- National Environmental Policy Act (NEPA)

Session 10 - January 27

- Asbestos & Lead
- Mixed Waste Management

Session 11 - February 3

- Scenario Training
- Course Review

Wisconsin's Air Toxics Rule

(cont. from page 1)

Common synonyms have been added to the tables to make it easier to find the substance.

- ✓ Table A applies to all sources of emissions
- ✓ Table B applies only to facilities that manufacture or treat pesticides or similar substances
- ✓ Table C applies only to facilities that manufacture or treat pharmaceuticals.

Incidental Emitters

Facilities that are likely to emit minimal air toxics, if any, will fall into a new source category called "incidental emitters."

This category includes most non-manufacturers and those manufacturers that emit less than 3 tons per year of volatile organic compounds and less than 5 tons per year of particulate matter. These facilities may limit their search and inquiry to certain processes (e.g. chrome electroplating) and a shorter list of chemicals of concern (Table E). Incidental Emitters must meet all regulatory requirements, but only for those chemicals and processes identified during their limited search and inquiry.

Search and Inquiry Process:

Due Diligence

The rule defines due diligence as a reasonable investigation of likely sources of air emissions. These include investigating the following:

- ✓ Substances listed on Material Safety Data Sheets (MSDS) or other sources of information.
- ✓ Substances that are reasonably expected to be created through a combustion or manufacturing process.
- ✓ Substances contained in or created through the treatment or disposal of raw materials or waste.

Safe Harbor

Facilities that exercise due diligence and meet the applicable compliance requirements for the identified emissions will not be penalized if it is subsequently discovered that they emit a regulated substance over threshold levels. While facilities will be required to promptly inform the DNR of their discovery and to come into compliance in a timely manner, they will not face retroactive penalties.

Permit Requirements:

2004 Training Dates

October 12 Eau Claire
October 13 Wausau
October 14 Brookfield

October 19 Neenah
October 20 Madison
October 21 Racine

Self Certification

Facilities may self-certify compliance with NR 445 requirements rather than revise operation permits or obtain a construction permit, except for situations where a source needs to comply with control requirements for carcinogens. In those situations, facilities will need to work closely with the DNR air

permit staff to ensure they are meeting all requirements. Most new compliance requirements will be written into the operation permit during the normal permit renewal or issuance cycle.

If you think that your facility is affected by this rule, you can find out more detailed information by attending training workshops. The SBCAAP along with the DNR, the University of Wisconsin-Extension's Solid and Hazardous Waste Education Center (SHWEC) and the Federation of Environmental Technologists, Inc (FET) are hosting six workshops throughout the state. To register visit **www.fetinc.org** or contact FET at 262/644-0070.

Rule information is available at:

<http://dnr.wi.gov/org/aw/air/HEALTH/airtoxi->

Environmental Protection Agency Updates

Local Brownfields Information

New Web-Based Tools Provide Unprecedented Public Access to Local Brownfields Information.

The EPA introduced two new Web-based brownfields tools **EnviroMapper** and **Envirofacts** that will give the public unprecedented access to interrelated information about local Brownfields properties. The tools allow residents to locate Brownfields in their area and provide access to new detailed information about the individual Brownfields grants.

The tools allow you to search by geographic region and by specific property information.

For more information, go to
<http://www.epa.gov/brownfields/bfwhere.htm>

Innovative Technology Funding

The EPA is supporting the development of innovative technologies.

To support commercial ventures that protect the environment and create jobs, EPA recently awarded \$900,000 to four companies to develop new environmental measurement and monitoring technologies through the Small Business Innovation Research (SBIR) program. These contracts will support development of new technologies for detecting toxins in blue-green algae blooms in drinking water supplies and endocrine disrupting chemicals in the environment, conducting high sensitivity measurements of trace hydrocarbon vapors, and measuring a broad array of air contaminants at trace levels.

For more information, go to
<http://www.epa.gov/ncer/sbir>

SPCC Deadlines Extended

The U.S. Environmental Protection Agency (EPA) has extended by 18 months the deadlines in the Spill Prevention, Control and Countermeasure (SPCC) regulations. According to an Aug. 11 Federal Register notice, facilities now have until Feb. 17, 2006, to amend their existing SPCC plans and until Aug. 18, 2006, to implement the amended plans.

New facilities that start operations by Aug. 18, 2006, must prepare and implement an SPCC plan by that date, while facilities that become operational after that date must prepare and implement an SPCC plan before starting operations. On June 17, EPA proposed a 12-month extension but, in reviewing public comments on the proposal,

was persuaded that many facilities need still more time to comply with the regulations. This is the second time EPA has postponed the regulations' compliance dates. The original deadlines in the revised version of the regulations, which was published in July 2002, were Feb. 17, 2003, and Aug. 17, 2003.

Earlier this year, the agency settled most of the issues about the revisions raised in three industry lawsuits; however, a number of other questions need clarification, and industry's differences with EPA over the definition of "navigable waters" will be litigated. For more information visit:
<http://www.epa.gov/oilspill/index.htm>

Wisconsin Partners for Clean Air Winners Recognized

Each year WPCA recognizes businesses or organizations that have taken voluntary actions to improve air quality. This program is a great opportunity for businesses and organizations to receive public recognition, benefit through a positive image in the community, and attract customer's attention. Awards were presented at the Clean Air Extravaganza held at Discovery World Museum in Milwaukee on June 30, 2004. The following were honored:

Madison Environmental Group, Inc.

- Launched the Community Car program in Madison to provide an affordable transportation option. Currently 120 residents take advantage of this alternative to vehicle purchasing by reserving the program's fuel-efficient cars around the city on an as-needed basis.

- Piloted the Car-Free Challenge, which provided incentives for those who pledged to go car-free for two weeks. During the challenge, 106 participants reduced 10,422 vehicle miles and 9,400 lbs of CO₂. Results were publicized for recognition and awareness.

- Developed and manage Environmental Action Teams to help Dane County residents adopt environmentally sustainable lifestyles. 105 households have worked to reduce resource and vehicle use, improve air and water quality and save money. Participating households reduce 1,050 vehicle miles and 1,907 lbs of CO₂ per year.

- Designed a Madison Area Transportation Options Map to help commuters navigate the city car-free, by foot, bike, boat, bus, and beyond

Journal Sentinel Inc.

- Built a new production plant in Milwaukee

on the state's largest reclaimed brownfield site

- Installed new presses with an ink-application feature that eliminates ink-water spray emissions and reduces air emissions overall by 56 tons/year

- Use new direct computer-to-plate-making technology, which eliminates the use of film and uses non-toxic chemicals

- Substituted all lubricants and coolants with non-hazardous alternatives

- Installed 486 Orion energy-efficient lighting fixtures, which will save the facility over 19.4 million kWh, reduce CO₂ by 14,527 tons, carbon by 3,962 tons, NO_x by 124 tons, and SO₂ by 53 tons

Orion Energy Systems, Ltd.

- Designed an energy efficient light fixture that delivers twice the light using half the power as a regular commercial light

- Worked with many types of businesses to determine the potential savings using the lights. After installation, Orion has helped save 450 million kWh of electricity, reducing 337,500 tons of CO₂, 92,037 tons of carbon, 2,877 tons of NO_x, and 1,240 tons of SO₂.

- Developed an environmental stewardship award, which uses articles and advertisements to recognize companies that used their product and achieved significant energy and cost savings

- Active participants in the energy policy debate

For more information visit:

<http://www.cleanairwisconsin.org/partnersMAD.php>

Hot Topics in DNR's Air Program

<http://www.dnr.state.wi.us/org/aw/air/hot/index.htm>

Regulated facilities have opportunity to check environmental data

Wisconsin facilities that report hazardous waste generated or pollution discharged or emitted to the water or air in Wisconsin have an opportunity to review data they have submitted to the Department of Natural Resources before the agency makes the data available to the public on the DNR Web site.

Starting July 13th, representatives of those regulated facilities will have one month to review the environmental data on facilities in order to eliminate any errors before it is posted on the Internet August 16.

The information to be reviewed will be posted to the DNR "Fact System" Web pages. The Fact System displays profiles of hazardous waste, air emission, and wastewater data that facilities located in Wisconsin are required to submit as part of regulatory requirements. All of the information displayed by the Fact System derives from public records reported by facilities to DNR.

If interested, facility representatives should visit the Fact System Status Update web page for more details about the opportunity to review 1999-2002 data. General information about the Fact System and how to use it can be found on the Fact System Web site:

<http://dnr.wi.gov/org/caer/ceaf/fact/>

FOR MORE INFORMATION CONTACT: Mike Solomon (608) 264-8951

Wisconsin Mercury Rule Development

The DNR has revised its Mercury Rule, based on extensive industry and public comments.

The DNR has made a number of modifications to its proposed rule, following the Senate Committee on Environmental & Natural Resources and the Assembly Natural Resources Committee requested changes. Modifications include:

- ✓ Rule will require the DNR to modify its mercury rule within 18 months of a federal rule being signed into law. The DNR is recommending a modification that would provide an option for a major utility to exempt units that are less than 25 MW. This is the exemption level that is being considered at the federal level.

- ✓ Change the 80% reduction requirement for 2015 to 75% reduction. The DNR is seeking an 80% reduction goal to be attained by 2018.

- ✓ Modify the proposed rule to promote early reductions to reduce mercury emissions. A major utility will be able to create emission reduction credits for actions taken after rule promulgation to reduce their mercury emissions. These emission reduction credits can be used by the major utilities to meet the 40% and 75% emission reduction requirements. These credits cannot be traded to another major utility to meet their reduction requirements and all unused credits would expire at the end of 2017.

The rule would affect the following utilities: We Energies, Alliant Energy, the Public Service Corporation and Dairyland Power Cooperative. The Natural Resources Board approved the DNR's Mercury Rule at the board's meeting June 23, 2004 meeting. The rule now goes to the Legislature for its consideration.

Energy Star Training Sessions Available From Your Desktop

The US-EPA Energy Star program offers a suite of Internet-based training sessions at **no cost** that show how to incorporate energy efficiency into an organization's planning process. Whether a local government is establishing procurement specs, a school district is designing new build-ings, or a college is looking to finance new HVAC equipment, ENERGY STAR offers solutions.

Participants in these live sessions exchange ideas on a toll-free conference call while logged into a presentation on the Internet. They interact with experienced energy or financial consultants during a 30 to 60 minute session.

Full descriptions of each presentation, online registration and the schedule for September - December are available at the website below.

Training Topics

- ✓ Energy Star Overview for Public Sector Organizations, Higher Education, Service and Product Providers
- ✓ Purchasing and Procurement
- ✓ Money for Energy Upgrades
- ✓ Benchmarking with Energy Star's Portfolio Manager

www.energystar.gov/index.cfm?c=business.bus_internet_presentations

WISCONSIN DEPARTMENT OF COMMERCE

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